

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LUCASYS INC.,

Plaintiff,

v.

POWERPLAN, INC.,

Defendant.

Civil Action No.: 1:20-CV-02987-AT

Judge Amy Totenberg

**JOINT MOTION FOR EXTENSION OF TIME AND MODIFICATION OF
SCHEDULING ORDER**

Plaintiff Lucasys Inc. (“Plaintiff”) and Defendant PowerPlan, Inc. (“Defendant”) jointly move the Court to extend the discovery period in this matter approximately one month through and including March 17, 2023, and to modify the Scheduling Order to extend all other deadlines accordingly. Since the last requested extension, the Parties have continued to diligently work towards completing discovery by the current deadline. In particular, Defendant has produced approximately 400,000 pages of additional documents and responded to additional interrogatory requests. As a result, the Parties need additional time to review these newly produced documents, and their experts need additional time to complete their work, especially in light of the recent productions. As set forth in more detail below, the parties therefore seek an approximately one-month extension to discovery.

In support of the motion, the Parties state as follows:

1. On October 25, 2021, the Court entered the first Scheduling Order in this action. (Doc. 46) The Court ordered a ten-month discovery period in this case, with the close of discovery set for August 15, 2022. (*Id.*)

2. On March 17, 2022, the Parties filed a joint motion for extension of time and modification of the Scheduling Order. (Doc. 65) On March 23, 2022, the Court granted the motion and set the close of discovery for October 28, 2022. (Doc. 67)

3. On May 24, 2022, the Parties filed a second joint motion for extension of time and modification of scheduling order. (Doc. 109.) The next day, on May 25, 2022, the Court granted the motion and set the close of discovery for December 23, 2022. (Doc. 110.)

4. On September 23, 2022, the Parties filed a third joint motion for extension of time and modification of scheduling order. (Doc. 138.) Specifically, the Parties sought to extend the deadlines pertaining to expert discovery. (*Id.*) On September 26, 2022, the Court granted the motion. (Doc. 139.)

5. Following the Parties' last request for an extension and modification of the scheduling order, the Parties have engaged in additional written discovery. Specifically, Defendant has provided responses to Plaintiff's Third Set of

Continuing Interrogatories and has produced approximately 400,000 pages of new documents.

6. In light of these recent productions, Plaintiff requires additional time to review and analyze these newly produced documents. Moreover, to the extent these documents bear on the parties' experts' work, the parties' experts will need time to review and analyze these documents, update their reports, if necessary, and be deposed regarding any findings and conclusions they may reach.

7. The Parties have met and conferred and agree that additional time is needed for the Parties to complete their review of these documents and to complete expert discovery. The Parties therefore request a modification of the Scheduling Order as follows:

| | Current Deadline | Requested Deadline |
|---|-------------------|--------------------|
| Each party to disclose expert reports on its primary claims | November 18, 2022 | December 16, 2022 |
| Rebuttal and reply experts and expert reports | January 13, 2023 | February 10, 2023 |
| All discovery closes | February 17, 2023 | March 17, 2023 |
| Dispositive motions | March 17, 2023 | April 17, 2023 |

8. This request is made in good faith and not for purposes of delay.

9. A proposed order granting this motion is attached as Exhibit A.

Respectfully submitted this 7th day of November, 2022.

AGREED BY:

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **JOINT MOTION FOR EXTENSION OF TIME AND MODIFICATION OF SCHEDULING ORDER** was served on November 7, 2022, by filing it using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Joshua A. Mayes
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